

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2018

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.392 of 2018
and C.M.P.No.10339 of 2018

Valarmathi

... Petitioner

Vs.

1.Lakshmi @ Lakshmipathy
2.Sivasankaran represented by
Power Agent
the first respondent Lakshmi @ Lakshmipathy

3.Manivasagam
4.Krishnasamy pillai
5.P.R.Ramasubramaia Raja

... Respondents

Prayer:- Petition is filed under Section 24 of C.P.C., to withdraw O.S.No.72 of 2011 pending on the file of the Sub Court, Ariyalur and transfer the same to the file of the Principal Sub Court, Virudhachalam.

For Petitioner : Mr.S.Balasubramanian

ORDER

This petition is filed to withdraw O.S.No.72 of 2011 pending on the file of the Sub Court, Ariyalur and transfer the same to the file of the Principal Sub Court, Virudhachalam.

2.The petitioner is the first defendant, respondents 1 and 2 are the plaintiffs, respondents 3 to 5 are the defendants 2 to 4 in O.S.No.72 of 2011 pending on the file of the Sub Court, Ariyalur. The respondents 1 and 2 filed said suit for partition against the petitioner and respondents 3 to 5. The petitioner has entered appearance, filed written statement and is contesting the suit.

3.According to the petitioner, when the suit is at the stage of trial, she has come out with the present Transfer Petition on the ground that she is permanent resident of Virudhachalam and aged about 62 years. Due to her old age, she

is suffering from various ailments and unable to walk. The witnesses are only available at Virudhachalam and it will be expensive to produce the evidence and documents on her behalf during trial. For the above reason, she has come out with the present Tr.C.M.P. to transfer the suit O.S.No.72 of 2011 pending from the file of the Sub Court, Ariyalur, to the file of the Principal Sub Court, Virudhachalam.

4.Heard the learned counsel for the petitioner and perused the materials available on record.

5.From the affidavit filed in support of this Transfer Petition, it is seen that the respondents 1 and 2 are the plaintiffs and petitioner is the first defendant in the suit. The respondents 1 and 2 filed said suit for partition and they have to let in evidence to prove their case. According to the petitioner, the suit is in trial stage. The suit is of the year 2011 and the petitioner has come out with the present Transfer Petition after seven years and the reasons given by the petitioner for transfer are not valid reasons.

6.Accordingly, the Transfer Civil Miscellaneous Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS IV)

//True copy//

Sub Assistant Registrar

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To

1.The Subordinate Judge, Ariyalur.

2.The Principal Sub Judge,
Virudhachalam.

+1cc to Mr.S.Balasubramanian, Advocate SR.No.40120

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BS (CO)
GN (16/07/2018)